

2-14D. Emergency TROs (1200 TN 350 2-14D)

1. **AUTHORITY.** Pursuant to the Clean Water Act (CWA), including Sections 309, 311, 402(h), 504 and 506, to refer requests for emergency Temporary Restraining Orders to the Department of Justice and to the appropriate United States Attorney.
2. **TO WHOM DELEGATED.** Deputy Regional Administrator.
3. **LIMITATIONS.**
 - a. The delegatee must obtain the advance concurrence of the Regional Counsel (RC), on the legal sufficiency of the referral before exercising this authority. The RC may waive concurrence in writing.
 - b. The delegatee must notify the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) and the Assistant Administrator for the Office of Water (AA/OW) before exercising this authority. The AA/OECA may waive the requirement for notification in writing. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the Assistant Administrator for the Office of Land and Emergency Management (AA/OLEM) must also be notified.
 - c. The AA/OECA must notify the AA/OW and the appropriate RA before exercising this authority. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the AA/OLEM must also be notified.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to on-scene coordinators, and no further.
 - b. This authority may not be redelegated without formal amendment.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **REFERENCES.**
 - a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
 - b. For referral of other civil actions under CWA, see the Chapter 2 delegation entitled "Civil Judicial Enforcement and Administrative Penalty Collections Actions."

2-14D. Emergency TROs (1200 TN 350 2-14D) (continued)

6. SUPERSESSION. Delegations Manual, CWA, Regional Delegation 2-14-D.
Emergency TROs, 1200 TN RIII 195 (April 27, 2017).

Date: APR 15 2019



Cosmo Servidio
Regional Administrator